

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**GENE COGGINS**  
**Plaintiff**

**V;**

**CASE NO 3:07 -CV 0402 MEF-TFM**

**CITY OF JACKSON'S GAP, and  
JACKSON'S GAP POLICE DEPARTMENT.**  
**Defendants**

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**REPLY TO DOCUMENT #21-1**

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COMES NOW, THE PLAINTIFF IN THE ABOVE STYLED CASE WITH THIS  
REPLY TO DOCUMENT #231-1, MAGISTRATE JUDGE, TERRY MOORER. ON PAGE  
NO -1, AGAIN YOU USED RULE 28 U. S. C. s/s 636 (b)(1), "for review and submission of a  
report," this is an improper and illegal usage of this rule, WHEN ANY RULE OF LAW IS  
USED TO RESTRAIN OR INTERFERES WITH THE GUARANTEED DUE PROCESS AS  
GIVEN IN THE CONSTITUTION OF THE UNITED STATES,

HERE AGAIN THIS LAW IS ILLEGAL .BY IMPROPER AND ILLEGAL USAGE OF  
A STAY, THAT AGAIN DENIED THE GUARANTEED DUE PROCESS OF LAW AS  
GIVEN IN RULE 3 - 4 - 5, OF THE FEDERAL RULES OF CIVIL PROCEDURES, WHERE  
AT THE BEGINNING OF ANY ACTION THE COMPLAINT AND SUMMONS MUST BE  
FILED WITH THE CLERK OF THAT COURT AND DATE GIVEN FOR THE ANSWER

TO BE RECEIVED OR THE DEFENDANT HAS TO BARE THE FOREGOING RESULTS AS ASKED FOR IN THE COMPLAINT. IF THE ANSWER IS NOT RECEIVED AT THAT TIME AS ALLOWED ON THE SUMMONS, DEFAULT AND DEFAULT JUDGMENT MUST BE FILED AGAINST THEM. THE DEFENDANTS WERE PROPERLY SERVED BY CERTIFIED U.S. MAIL WITH RECEIPT RETURNED BACK TO THE CLERK OFFICE. THIS IS A ONE OR THE PROPER METHODS OF SERVICE AS REQUIRED UNDER THE FEDERAL RULES OF CIVIL PROCEDURES. LEGAL SERVICE WAS MADE ON, JUNE 13, 2007, BY U.S. POSTAL SERVICE CERTIFIED MAIL. (COPY OF RECEIPT ENCLOSED). THEREFORE MAKING THE STATEMENT ON PAGE NO.1, "SINCE THERE HAS BEEN NO SERVICE OF THE COMPLAINT, NO ANSWER IS REQUIRED BY THE DEFENDANT." WITH THE COPY OF A CERTIFICATE OF SERVICE ENCLOSED, THIS MAKES THIS AN UNTRUE STATEMENT, ANOTHER ERROR MADE BY THE COURT THAT PLACES THIS ATTEMPTED ILLEGAL FORM OF STALLING AND ALL COST OF JUDGMENT AS REQUESTED DIRECTLY ON THS COURT. I FOLLOWED THE DUE PROCESS OF LAW, AND THE RULES OF CIVIL PROCEEDINGS, BY FILING DEFAULT AND DEFAULT JUDGMENT ACCORDINGLY THE PROCESS THAT LEAD UP THE FILLING OF DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS WAS SET UP UNDER THE DUE PROCESS OF LAW AS ESTABLISHED IN THE GUARANTEED RIGHTS OF THE UNITED STATES CONSTITUTION, THAT GIVES NO COURT OR JUDGE THE RIGHT TO DENY, RESTRICTIONS OF ANY FORM, OR USING ANY LAW IMPROPER OR ILLEGAL TO OBTAIN THEIR GOALS. THEIR OATH OF OFFICE

REQUIRES THEM TO ABIDE BY THE LAWS AND AMENDMENTS AS GIVEN IN THE UNITED STATES CONSTITUTION, OR THEY HAVE COMMITTED A FELONY AND PERJURY. FROM THE PAPER TRAIL LEFT AT THIS COURT MAKES ALL THAT HAVE HAD ANY PART IN MY CASES, GUILTY OF THE ABOVE AND DESERVE THE SAME PUNISHMENT AS OTHER CRIMINALS.

THIS DEMAND FOR DEFAULT AND DEFAULT JUDGMENT MUST BE GRANTED, FOR ALL RULES WERE FOLLOWED AND ANY MANIFESTED ERRORS WERE ESTABLISHED INJUSTICE ON THE OF THIS COURT. IF EVERYONE INVOLVED IS INCAPABLE OF ABIDING BY ~~THE~~ GUARANTEED RULES OF DUE PROCESS OF THE UNITED STATES CONSTITUTION. THEY ARE OBLIGATED TO RESIGN FROM THIS CASE AND ALLOW A FINAL ORDER WHERE THIS CASE PLACED IN ANOTHER COURT. THEN TURN THEMSELF IN TO THE PROPER AUTHORITIES, PLEADING GUILTY OF BREAKING THE OATH OF OFFICE AND PERJURY.

THIS FREEDOM OF SELECTING PROPER COURT AND JUDGES, IS A PART OF NATURAL LIBERTIES SWORN TO OF EXCESS WHICH INVADES EQUAL RIGHTS TO OTHERS, THEY ARE RESTRAINTS PLACED UPON THE GOVERNMENT.. Sowers v: Ohio Civil Rights Commission, 20 Ohio Misc. 115, 252 N.E. 2d, 463, 476..

THE OATH OF OFFICE BINDS THAT PARTY WHEN THEY ASSUME , OR CHARGED OF THAT OFFICE, HEREBY DECLARING THAT THEY WILL FAITHFULLY AND TRUTHFULLY DISCHARGE THE DUTIES OF THAT OFFICE AND UP - HOLD ALL THE LAWS EQUALLY, AS GIVEN IN THE CONSTITUTION OF THE UNITED

STATES OF AMERICA .AND STATUTES THAT MAY APPLY TO THAT PARTICULAR CASE. Art. VI, U.S. CONSTITUTION, THAT THIS ATTESTATION, OR PROMISE IS MADE UNDER A IMMEDIATE SENSE OF RESPONSIBILITY TO **GOD**, WHERE ONE WILLFULLY ASSERTING UNTRUE STATEMENTS ARE PUNISHABLE FOR PERJURY AND ARE ALSO GUILTY OF A FELONY BY BREAKING THE OATH OF OFFICE..

ART. II Sec. I U. S. Const. Vaughn V: State 146, Tex.Cr. R. 585, 177, S.W. 2d, 59, 60..

**CONCLUSION:**

THEREFORE THIS REPLY, IDENTIFYING THE MANIFESTED INJUSTICE BROUGHT ON BY THIS COURT, MUST BE CORRECTED BY ISSUING A FINAL ORDER TO THIS CASE, WITH ORDERS FOR THE CLERK TO SERVE THE DEFAULT AND DEFAULT JUDGMENT AGAINST BOTH PARTIES INVOLVED IN THIS CASE, (AS GIVEN IN THE 11<sup>th</sup> AMENDMENT OF THE UNITED STATES CONSTITUTION, THAT GIVES ANY CITIZEN OF THIS STATE THE RIGHT TO SUE AND BE SUED, OVERRIDING ANY OTHER STATE OR FEDERAL LAWS THAT MAY EXIST)..FOR THE UNITED STATES CONSTITUTION IS THE PREVAILING LAW.

  
GENE COGGINS

**DONE THIS 18 Day of JULY, 2007..**

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